

area or operate a civil aircraft within a Class B airspace area unless—

(i) The pilot in command holds at least a private pilot certificate;

(ii) The pilot in command holds a recreational pilot certificate and has met—

(A) The requirements of § 61.101(d) of this chapter; or

(B) The requirements for a student pilot seeking a recreational pilot certificate in § 61.94 of this chapter;

(iii) The pilot in command holds a sport pilot certificate and has met—

(A) The requirements of § 61.325 of this chapter; or

(B) The requirements for a student pilot seeking a recreational pilot certificate in § 61.94 of this chapter; or

(iv) The aircraft is operated by a student pilot who has met the requirements of § 61.94 or § 61.95 of this chapter, as applicable.

(2) Notwithstanding the provisions of paragraphs (b)(1)(ii), (b)(1)(iii) and (b)(1)(iv) of this section, no person may take off or land a civil aircraft at those airports listed in section 4 of appendix D to this part unless the pilot in command holds at least a private pilot certificate.

(c) *Communications and navigation equipment requirements.* Unless otherwise authorized by ATC, no person may operate an aircraft within a Class B airspace area unless that aircraft is equipped with—

(1) *For IFR operation.* An operable VOR or TACAN receiver or an operable and suitable RNAV system; and

(2) *For all operations.* An operable two-way radio capable of communications with ATC on appropriate frequencies for that Class B airspace area.

(d) *Other equipment requirements.* No person may operate an aircraft in a Class B airspace area unless the aircraft is equipped with—

(1) The applicable operating transponder and automatic altitude reporting equipment specified in § 91.215 (a), except as provided in § 91.215 (e), and

(2) After January 1, 2020, the applicable Automatic Dependent Surveillance-

Broadcast Out equipment specified in § 91.225.

[Doc. No. 24458, 56 FR 65658, Dec. 17, 1991, as amended by Amdt. 91-282, 69 FR 44880, July 27, 2004; Amdt. 91-296, 72 FR 31678, June 7, 2007; Amdt. 91-314, 75 FR 30193, May 28, 2010]

#### **§ 91.133 Restricted and prohibited areas.**

(a) No person may operate an aircraft within a restricted area (designated in part 73) contrary to the restrictions imposed, or within a prohibited area, unless that person has the permission of the using or controlling agency, as appropriate.

(b) Each person conducting, within a restricted area, an aircraft operation (approved by the using agency) that creates the same hazards as the operations for which the restricted area was designated may deviate from the rules of this subpart that are not compatible with the operation of the aircraft.

#### **§ 91.135 Operations in Class A airspace.**

Except as provided in paragraph (d) of this section, each person operating an aircraft in Class A airspace must conduct that operation under instrument flight rules (IFR) and in compliance with the following:

(a) *Clearance.* Operations may be conducted only under an ATC clearance received prior to entering the airspace.

(b) *Communications.* Unless otherwise authorized by ATC, each aircraft operating in Class A airspace must be equipped with a two-way radio capable of communicating with ATC on a frequency assigned by ATC. Each pilot must maintain two-way radio communications with ATC while operating in Class A airspace.

(c) *Equipment requirements.* Unless otherwise authorized by ATC, no person may operate an aircraft within Class A airspace unless that aircraft is equipped with the applicable equipment specified in § 91.215, and after January 1, 2020, § 91.225.

(d) *ATC authorizations.* An operator may deviate from any provision of this section under the provisions of an ATC authorization issued by the ATC facility having jurisdiction of the airspace

concerned. In the case of an inoperative transponder, ATC may immediately approve an operation within a Class A airspace area allowing flight to continue, if desired, to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or both. Requests for deviation from any provision of this section must be submitted in writing, at least 4 days before the proposed operation. ATC may authorize a deviation on a continuing basis or for an individual flight.

[Doc. No. 24458, 56 FR 65659, Dec. 17, 1991, as amended by Amdt. 91-314, 75 FR 30193, May 28, 2010]

**§91.137 Temporary flight restrictions in the vicinity of disaster/hazard areas.**

(a) The Administrator will issue a Notice to Airmen (NOTAM) designating an area within which temporary flight restrictions apply and specifying the hazard or condition requiring their imposition, whenever he determines it is necessary in order to—

- (1) Protect persons and property on the surface or in the air from a hazard associated with an incident on the surface;
- (2) Provide a safe environment for the operation of disaster relief aircraft; or
- (3) Prevent an unsafe congestion of sightseeing and other aircraft above an incident or event which may generate a high degree of public interest.

The Notice to Airmen will specify the hazard or condition that requires the imposition of temporary flight restrictions.

(b) When a NOTAM has been issued under paragraph (a)(1) of this section, no person may operate an aircraft within the designated area unless that aircraft is participating in the hazard relief activities and is being operated under the direction of the official in charge of on scene emergency response activities.

(c) When a NOTAM has been issued under paragraph (a)(2) of this section, no person may operate an aircraft within the designated area unless at least one of the following conditions are met:

(1) The aircraft is participating in hazard relief activities and is being operated under the direction of the official in charge of on scene emergency response activities.

(2) The aircraft is carrying law enforcement officials.

(3) The aircraft is operating under the ATC approved IFR flight plan.

(4) The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather, or terrain; notification is given to the Flight Service Station (FSS) or ATC facility specified in the NOTAM to receive advisories concerning disaster relief aircraft operations; and the operation does not hamper or endanger relief activities and is not conducted for the purpose of observing the disaster.

(5) The aircraft is carrying properly accredited news representatives, and, prior to entering the area, a flight plan is filed with the appropriate FAA or ATC facility specified in the Notice to Airmen and the operation is conducted above the altitude used by the disaster relief aircraft, unless otherwise authorized by the official in charge of on scene emergency response activities.

(d) When a NOTAM has been issued under paragraph (a)(3) of this section, no person may operate an aircraft within the designated area unless at least one of the following conditions is met:

(1) The operation is conducted directly to or from an airport within the area, or is necessitated by the impracticability of VFR flight above or around the area due to weather or terrain, and the operation is not conducted for the purpose of observing the incident or event.

(2) The aircraft is operating under an ATC approved IFR flight plan.

(3) The aircraft is carrying incident or event personnel, or law enforcement officials.

(4) The aircraft is carrying properly accredited news representatives and, prior to entering that area, a flight plan is filed with the appropriate FSS or ATC facility specified in the NOTAM.